

**EXHIBIT 4  
PART 2**

Again, the Patentee, in its own reexamination request, admits that the disclosures of Prior Art Reference (5) are as follows:

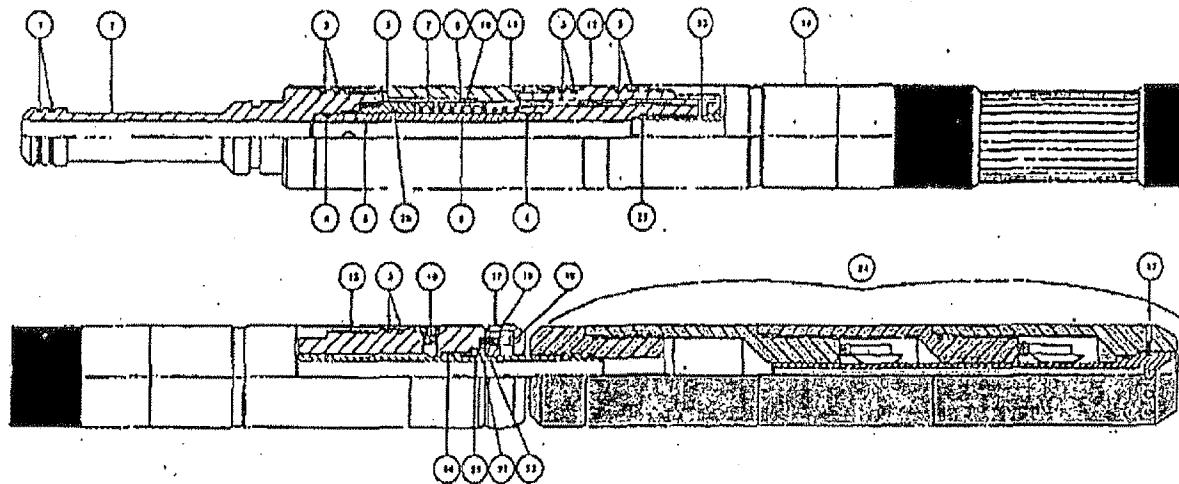
[Prior Art Reference (5)] apparently discloses a device somewhat similar to the device of the '824 patent by having a pair of flapper valves positioned between an inner tubular member and an outer tubular member. The inner tubular member is initially positioned such that it apparently extends through the pair of flapper valves and maintains them in an open position. Still further the inner tubular member may be selectively moved to a second position thereby allowing the flapper valves to move to a closed position.

Patentee's Reexamination Request, pg. 14. In spite of this admission, the Patentee claims that Prior Art Reference (5) does not teach, disclose, suggest, or even contemplate the Patentee's device because "the '824 patent claims call for cementing a tubular string in position," and Prior Art Reference (5) does not disclose a cementing tool. *Id.* at 15.

The Patentee's alleged "claim requirement" appears in the preambles of the relevant claims of the '824 patent. As explained earlier, preambles of apparatus claims that merely recite the intended use or function of the claimed apparatus are not limiting claim elements. *Pitney Bowes*, 182 F.3d at 1305. Accordingly, the preambles are not considered in an anticipation analysis under 35 U.S.C. § 102. Rather, the proper test is whether one or more prior art references contain each and every limiting element of the claim at issue, arranged as stated in the claim. *See Sandt Tech.*, 264 F.3d at 1350. By the Patentee's own admission above, Prior Art Reference (5) contains each and every element of claims 11 through 18, arranged as stated in those claims. Accordingly, claims 11 through 18 are anticipated and should be cancelled from the '824 patent.

##### 5. Prior Art Reference (6)

Prior Art Reference (6) entitled "2 ½" Cement Retainer Assembly," discloses a check valve sub-assembly comprising two flapper valves (shown in yellow) contained within an outer tubular member (shown in green). A hollow inner tubular (shown in pink) extends through and covers the bore of both flapper valves to maintain the flapper valves in the open position. As illustrated, the inner tubular member prevents the flapper valves from operating, thereby allowing fluid to flow in both directions through the bore of the inner tubular (and therefore the entire tubular assembly). *See Declaration of David G. Calvert, ¶ 18 (Ex. T).*



During operation, the dual flapper valve sub-assembly is attached to a tubular work string. *Id.* at 19. Once attached, the apparatus is utilized for cementing operations. *Id.* More particularly, once the double flapper type check valve assembly is attached to the tubular work string, the entire assemblage is lowered into the wellbore. *Id.* at 20. As it is lowered, existing wellbore fluid flows inwardly into the tubular string through the inner tubular. *Id.* Because the flapper valves, when activated, permit fluid flow only in a downward direction, it is necessary to hold the flapper valves in an open position while the assembly is being lowered. *Id.*

Once lowered to the correct depth, the inner tubular of the double flapper check valve sub-assembly is removed from contact with the two flapper valves such that the flapper valves are activated. *Id.* at 21. The spring-activated flapper valves open in response to a flow of fluid from the surface, but remain closed in response to fluid flow toward the surface. *Id.* The inner tubular is removed by dropping a restriction device (i.e., a ball or dart) from the surface to the inner tubular. *Id.* at 22. Pump pressure is thereafter applied to the restriction device to remove the inner tubular from the tool. *Id.*

As before, the Patentee, in its own reexamination request, admits that Prior Art Reference (6) discloses a device similar to the device of the '824 patent by having a pair of flapper valves

positioned between an inner tubular member and an outer tubular member, the inner tubular member initially positioned such that it extends through the pair of flapper valves, and the inner tubular member selectively movable to a second position thereby allowing the flapper valves to close. However, despite this admission, the Patentee claims the following:

[Prior Art Reference (6)] is non-analogous art and is not related to the problem of controlling fluid flow within the tubular string to be cemented while the tubular string is lowered from the surface into a position for cementing. The '824 patent states in Col 1., lines 5-8 that the invention of the '824 patent is for use in well completions where it is undesirable to put excess pressure on the wellbore caused by lowering the casing into the wellbore. Instead, the device of [Prior Art Reference (6)] is not utilized when lowering the tubular string to be cemented.

Patentee's Reexamination Request, pg. 20.

Again, the Patentee's argument is misplaced. Claims 11 through 18 of the '824 patent are *apparatus* claims directed to a device with discreet components arranged in a specific manner. Specification statements related to the alleged use of such a device cannot be imported into an apparatus claim in order to negate otherwise invalidating prior art. For purposes of an anticipation analysis under 35 U.S.C. § 102, the only consideration is whether one or more prior art references contain each and every element of the claim at issue, arranged as stated in the claim. *See Sandt Tech.*, 264 F.3d at 1350. By the Patentee's own admission above, Prior Art Reference (6) contains each and every element of claims 11 through 18, arranged as stated in those claims. Accordingly, claims 11 through 18 are anticipated and should be cancelled from the '824 patent.

## 6. Prior Art Reference (7)

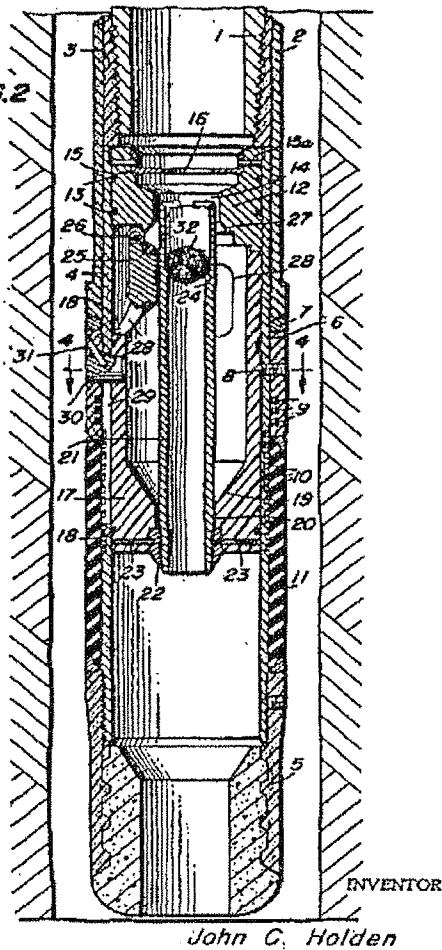
Prior Art Reference (7) corresponds to United States Patent No. 3,148,731 and discloses a cementing tool comprising a flapper valve (shown in yellow) contained within an outer tubular assembly (shown in green). A hollow inner tubular (shown in pink) extends through and covers the bore of the flapper valve to maintain it in the open position. As illustrated in FIG. 2, the inner tubular member prevents the flapper valve from closing. As such, fluid may flow in both directions through the bore of the inner tubular (and therefore the cementing tool).

J. C. HOLDEN  
CEMENTING TOOL

3,148,731

**2 Sheets-Shoot 1**

762



*BY*  
Burns, Doane, Benedict, Sweeney & Mathis  
ATTORNEYS

During operation, the cementing tool disclosed in Prior Art Reference (7) generally aids in running the tubular casing string from a surface position into a wellbore, and thereafter is utilized to cement the tubular casing string within the wellbore. More particularly, once the cement float shoe disclosed in Prior Art Reference (7) is attached to the tubular string, the entire

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Request for Reexamination of  
U.S. Patent No.: 6,401,824  
Atty. Ref.:13137.0231.RXUS00

assemblage is lowered into the wellbore. As it is lowered, existing wellbore fluid flows inwardly into the tubular string through the inner tubular. Since the flapper valve when activated permits fluid flow only in a downward direction, it is necessary to hold the flapper valve in an open position while the assembly is being lowered.

Once lowered to the correct depth, the inner tubular is removed from contact with the flapper valve such that it is activated to open in response to a flow of fluid from the surface, but to remain closed in response to fluid flow toward the surface (see FIG. 3). The inner tubular is removed by dropping a ball (32) from the surface to the inner tubular. Pump pressure is then applied to the restriction device to remove the inner tubular from the float shoe.

With the exception of multiple flapper valves, Prior Art Reference (7) discloses each and every essential element of the apparatus claimed in the '824 patent. Accordingly, this disclosure, in view of Prior Art References (1) through (6), renders claims 11 through 18 obvious and, therefore, those claims should be cancelled from the '824 patent.

#### 7. Prior Art Reference (8)

Prior Art Reference (8) corresponds to United States Patent No. 6,125,930 and discloses a downhole valve comprising:

[A] body [*outer tubular – shown in green*] defining a flow passage; a valve assembly mounted in the body, the valve assembly including a valve member [*flapper valve – shown in yellow*] being moveable from a first configuration to a second configuration, in the first configuration the valve member preventing flow in at least one direction through the passage, and in the second configuration the valve member being retained in an open position; and a valve member retainer [*inner tubular – shown in pink*] normally restrained in a first configuration and biased for movement to a second configuration, the retainer being held in the first configuration while the valve member is in the first configuration and being releasable [*shear member*] from said first configuration to move the valve member to the open position and retain the valve member in the open position.

'930 Patent, col. 2, ll. 3-17 (Ex. P). Prior Art Reference (8) further discloses that “[w]here the valve member is in the form of *one or more flappers*, an end of the sleeve may push the flappers to the open position and then define the flow passage past the flappers.” *Id.*, col. 3, ll. 17-20.

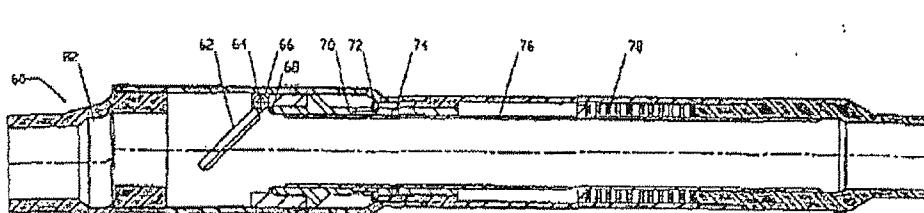


FIG. 4.

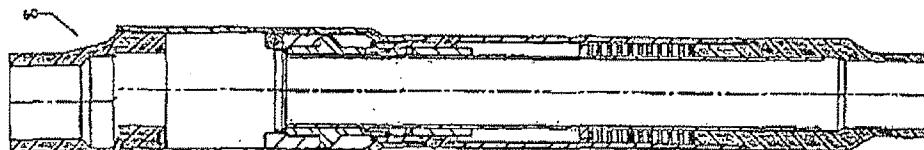


FIG. 5.

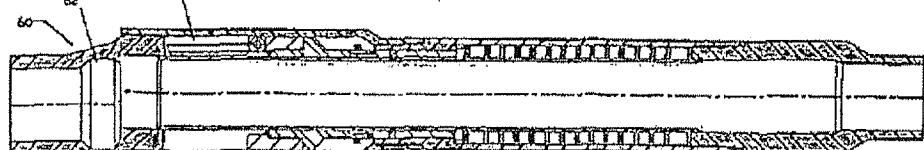


FIG. 6.

U.S. Patent

Oct. 3, 2000

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6,125,930

Prior Art Reference (8) discloses each of the essential components of the apparatus in claims 11 through 18 of the '824 patent. However, the operation of the valve assembly as disclosed in Prior Art Reference (8) is slightly different from the operation of the device claimed in the '824 patent. The inner tubular member of the prior art valve assembly is initially disengaged from the flapper valves such that the valves are in a closed position and fluid flow is limited to one direction. Thereafter, a shear member is broken and the inner tubular member is forced through the bores of the flapper valves such that the valves are held open and fluid can flow in two directions (see Figs. 4-6). This sequence is essentially reversed from the operation of the apparatus of claims 11 through 18.

Notwithstanding this operational difference, Prior Art References (8) discloses each and every essential element of the apparatus claimed in the '824 patent. Accordingly, this disclosure, in view of Prior Art References (1) through (6), renders claims 11 through 18 obvious and, therefore, those claims should be cancelled from the '824 patent.

### 8. Prior Art Reference (9)

Prior Art Reference (9) corresponds to United States Patent No. 6,296,059 and discloses a reverse circulating valve assembly comprising an outer tubular member (14) connected to a tubular string and an inner tubular member (24) contained within the outer tubular (see FIG. 1). The inner tubular member is movable with respect to the outer tubular member from a first position to a second position. The movement of the inner tubular controls the flow of fluid through the tubular string by converting the valve assembly from a two-way flow mode to a one-way flow mode (see FIG. 2 and FIG. 3).

The movement of the inner tubular is accomplished by dropping a ball (48) from the surface. When the ball reaches the reverse circulating valve assembly, it lands within a ball seat (see FIG. 3) formed into the inner tubular member. Fluid pressure acts on the ball to move the inner tubular member from a first position to a second position, thereby manipulating the flow of fluid through the tubular string as described above.

With the exception of flapper valves, Prior Art Reference (9) discloses each and every essential element of the apparatus claimed in the '824 patent. The operation of the device disclosed in Prior Art Reference (9) is extremely similar to the apparatus claimed in the '824 patent. Accordingly, this disclosure, in view of Prior Art References (1) through (6), which disclose the use of flapper valves with the assembly described above, renders claims 11 through 18 obvious and, therefore, those claims should be cancelled from the '824 patent.

### 9. Prior Art Reference (10) and (11)

Prior Art References (10) and (11) correspond to U.S. Patent No. 6,390,200, and U.S. Patent No. 6,467,546, respectively. Both patents are entitled "Drop Ball Sub and System of Use" and both list Jerry Allamon and Kenneth Waggener as inventors. Jerry Allamon is also one of the named inventors of the '824 patent. According to the Patentee's request for reexamination, the two patents disclose "a device somewhat similar to the device of the '824 patent by having a dual flapper valve positioned between an inner tubular member and an outer tubular member." Patentee's Reexamination Request, pg. 18. The Patentee further states, however, that the two patents "do not disclose that the inner tubular member is initially positioned such that it ...

extends through the pair of flapper valves and maintains them in an open position," nor do they disclose that the "inner tubular member may be selectively moved to a second position thereby allowing the flapper valves to move to a closed position." *Id.*

The similar device referred to by the Patentee is a float collar shown in Figure 7 of both patents. The specifications of both patents describe the makeup of the float collar in Figure 7 as follows:

Float collar 68 may include valves 70 that are operated by large ball 22. Float collars are known in the prior art; however, as noted below, the diameters of balls used to activate float collars have been limited to being smaller than the restriction in the wellbore, and the size of the bore in float collars has likewise been limited. *A float collar 68 which can be activated using a ball whose diameter is larger than the restriction, has only recently been developed by one of the inventors in this application [Jerry Allamont] and others [the additional inventors of the '824 patent]. ... The use of large ball 22 allows for larger diameter valves 70 to further reduce surge pressure and also allow debris to flow more easily.*

'200 Patent, col. 8, ll. 38-52 (Ex. R); '546 Patent, col. 8, ll. 41-55 (Ex. S) (emphasis added). Based on this disclosure, it is apparent that the float collar disclosed in Prior Art References (10) and (11) is the same device that is claimed in the '824 patent. The only claim element that is possibly omitted is the inner tubular member. Nevertheless, the Patentee, in its reexamination request, claims that Prior Art References (10) and (11) "do not teach disclose, suggest, or even contemplate the [Patentee's] device." Patentee's Reexamination Request, pg. 18 (emphasis added).

With the possible exception of the inner tubular member, Prior Art References (10) and (11) disclose each and every element of claims 11 through 18 of the '824 patent. In view of Prior Art References (1) through (6) (which disclose an inner tubular member arranged in the same manner and for the same purpose), Prior Art References (10) and (11) render claims 11 through 18 obvious and, therefore, those claims should be cancelled from the '824 patent.

## B. Application Of The Cited References To The Claims

The pertinence and application of the cited references may be best understood by referring to the following claim chart. The chart identifies with a check mark ("✓") each limitation that is found in the cited references. As will be readily appreciated from the graphic

presentation, each of the cited references, alone or in combination, presents substantial new questions of patentability with respect to claims 11 through 18 of the '824 patent. In reviewing the following information, the Examiner is respectfully reminded that the claims are *not* entitled to any presumption of validity whatsoever but are to be given their broadest reasonable interpretation consistent with the specification and irrespective of the prior art. *See* MPEP § 2258(I)(G).

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
11. A float equipment assembly for lowering a tubular string from a surface position into a wellbore and for cementing said tubular string in position, said assembly comprising:									
an outer tubular affixed to said tubular string,	✓	✓	✓	✓	✓	✓	✓	✓	✓
said outer tubular having an open lower end which opens into said wellbore to permit fluid flow into or out of said open lower end during a two-way flow mode of operation of said float equipment;	✓	✓	✓	✓	✓	✓	✓	✓	✓
a first flapper valve body mounted within said outer tubular,	✓	✓	✓	✓	✓	✓	✓	✓	✓
said first flapper valve body defining a first bore therethrough;	✓	✓	✓	✓	✓	✓	✓	✓	✓
a first flapper closure element pivotally mounted to said first flapper valve body for pivotal movement between an open position and a closed position,	✓	✓	✓	✓	✓	✓	✓	✓	✓
said first flapper closure element being selectively operable between said two-way flow mode and a one-way flow mode,	✓	✓	✓	✓	✓	✓	✓		✓
in said two-way flow mode said first flapper closure element being secured in said open position to permit	✓	✓	✓	✓	✓	✓	✓		✓

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
fluid flow through said first bore in a direction toward said surface position and also to permit fluid flow in a direction away from said surface position;									
in said one-way flow mode said first flapper closure element being pivotally movable between said open position and said closed position responsively to fluid flow direction and being mounted to thereby prevent fluid flow through said first bore in said direction toward said surface position and to permit fluid flow in said direction away from said surface position;	✓	✓	✓	✓	✓	✓		✓	✓
a second flapper valve body mounted within said outer tubular;	✓	✓	✓	✓	✓		✓		✓
said second flapper valve body defining a second bore therethrough;	✓	✓	✓	✓	✓		✓		✓
a second flapper closure element pivotally mounted to said second flapper valve body for pivotal movement between an open position and a closed position,	✓	✓	✓	✓	✓		✓		✓
said second flapper closure element being selectively operable between said two-way flow mode and said one-way flow mode,	✓	✓	✓	✓	✓		✓		✓

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
in said two-way flow mode said second flapper closure element being secured in said open position to permit fluid flow through said second bore in said direction toward said surface position and also to permit fluid flow in said direction away from said surface position,	✓	✓	✓	✓	✓		✓		✓
in said one-way flow mode said second flapper closure element being pivotally movable between said open position and said closed position responsively to fluid flow direction and being mounted to thereby prevent fluid flow through said second bore in said direction toward said surface position and to permit fluid flow in said direction away from said surface position; and	✓	✓	✓	✓	✓				✓
an inner tubular having an inner tubular flow path therethrough for receiving fluid flow from said wellbore in said two-way flow mode when lowering said tubular string into said wellbore,	✓	✓	✓	✓	✓	✓	✓		
said inner tubular being initially securable at a first axial position with respect to said outer tubular,	✓	✓	✓	✓	✓	✓	✓	✓	
in said first axial position said inner tubular being mounted to extend	✓	✓	✓	✓	✓				

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
simultaneously through both said first bore and said second bore to thereby secure said first flapper closure element in said open position for operation in said two-way flow mode and to secure said second flapper closure element in said open position for operation in said two-way flow mode,									
said inner tubular being axially movable from said first axial position away from said first flapper valve body and said second flapper valve body to thereby release said first flapper closure element for operation in said one-way flow mode and also to release said second flapper element for operation in said one-way flow mode.	✓	✓	✓	✓	✓				
12. The apparatus of claim 11 further comprising said outer tubular being rigidly secured with respect to said tubular string so as to remain in a fixed position with respect to said tubular string during both said one-way flow mode and said two-way flow mode, said outer tubular being an outermost tubular along an axial length between said open lower end and said second flapper valve body.	✓	✓	✓	✓	✓	✓	✓	✓	
13. The apparatus of claim 11, further comprising a shear element for securing said	✓	✓	✓	✓	✓				

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
inner tubular in said first axial position, said inner tubular being mounted for unrestricted movement away from said first flapper valve body and said second flapper valve body to release said first flapper closure element for operation in said one-way flow mode and also to release said second flapper element for operation in said one-way flow mode after shearing of said shear element.									
14. Float equipment assembly for lowering a tubular string from a surface position into a wellbore and for cementing said tubular string in position, said assembly comprising:									
an outer tubular member forming a lowermost position of said tubular string,	✓	✓	✓	✓	✓	✓	✓		
said outer tubular member having a lower end with one or more openings to provide fluid communication with said wellbore;	✓	✓	✓	✓	✓	✓	✓	✓	✓
an inner tubular member moveable between a first position and a second position with respect to said outer tubular member,	✓	✓	✓	✓	✓	✓	✓	✓	
said lower end of said outer tubular member permitting fluid flow to said inner tubular member during said lowering of said tubular string into said wellbore while said inner tubular member is in said first position,	✓	✓	✓	✓	✓	✓	✓		

\* The preamble is not a claim element

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
said inner tubular member defining a seat;	✓	✓	✓	✓	✓	✓		✓	
said inner tubular member being moveable between said first position and said second position in response to receipt of a drop member into said seat; and	✓	✓	✓	✓	✓	✓		✓	
a plurality of flapper valves mounted between said inner tubular member and said outer tubular member,	✓	✓	✓	✓	✓		✓		
said plurality of flapper valves being affixed in an open position when low[er]ing said t[u]bular string into said wellbore,	✓	✓	✓	✓	✓		✓		✓
said plurality of flapper valves being operable for movement between an open position and a closed position after movement of said inner tubular member from said first position to said second position such that said plurality of flapper valves permit fluid flow in one direction after movement of said inner tubular member from said first position to said second position and block fluid flow in an opposite direction; and	✓	✓	✓	✓	✓				
a shear member that shears in response to said receipt of said drop member into said seat,	✓	✓	✓	✓	✓	✓	✓		

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
said inner tubular member being mounted for unrestricted movement between said first position and said second position after said shear member is sheared,	✓	✓	✓	✓	✓	✓			
15. The assembly of claim 14, said outer tubular member being an outermost tubular along an axial length between said lower end and said plurality of flapper valves, said outer tubular member being rigidly affixed to said tubular string during movement of said inner tubular member with respect to said outer tubular member.	✓	✓	✓	✓	✓		✓	✓	✓
16. Float collar/shoe equipment for use in lowering a tubular string into a wellbore and for cementing the tubular string in position, comprising:		<i>* The preamble is not a claim element</i>							
an outer tubular member affixed to said tubular string;	✓	✓	✓	✓	✓	✓	✓	✓	✓
an inner tubular member moveable between a first position and a second position with respect to said outer tubular member,	✓	✓	✓	✓	✓	✓	✓	✓	
said outer tubular member having initially a substantially unrestricted lower open end leading to said well bore to permit substantially unrestricted fluid flow from said lower open end through said inner tubular member during said	✓	✓	✓	✓	✓	✓			

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
lowering of said tubular string into said wellbore while said inner tubular member is in said first position; and									
a plurality of one-way valves positioned between said inner tubular member and said outer tubular member,	✓	✓	✓	✓	✓		✓		
said plurality of one-way valves having a plurality of closure elements and a plurality of valve seats,	✓	✓	✓	✓	✓		✓		✓
said inner tubular member being positioned in said first position such that said inner tubular member simultaneously extends through said plurality of one-way valves and maintains said plurality of closure elements in an open position such that fluid may flow through said plurality of one-way valves in two directions,	✓	✓	✓	✓	✓				
said inner tubular member being moveable to said second position to thereby permit said closure elements to close such that said plurality of one-way valves then permit fluid flow in only one direction and block fluid flow in an opposite direction,	✓	✓	✓	✓	✓				

CLAIM LIMITATION	PRIOR ART REFS. (1-2)	PRIOR ART REF. (3)	PRIOR ART REF. (4)	PRIOR ART REF. (5)	PRIOR ART REF. (6)	PRIOR ART REF. (7)	PRIOR ART REF. (8)	PRIOR ART REF. (9)	PRIOR ART REFS. (10-11)
17. The apparatus of claim 16 further comprising said outer tubular member being rigidly secured to said tubular string so as to remain in a fixed position with respect to said tubular string,	✓	✓	✓	✓	✓	✓	✓	✓	✓
said outer tubular member being an outermost tubular along an axial length between said lower open end and said plurality of one-way valves.	✓	✓	✓	✓	✓		✓		✓
18. The apparatus of claim 16 further comprising a shear element for securing said inner tubular member in said first position,	✓	✓	✓	✓	✓	✓	✓		
said inner tubular member being mounted for unrestricted movement after shearing of said shear element to said second position to thereby permit said closure elements of said plurality of one-way valves to close such that said plurality of one-way valves then permit fluid flow in only one direction and block fluid flow in an opposite direction.	✓	✓	✓	✓	✓				

**IV. THE PRIOR ART REFERENCES DETAILED ABOVE PRESENT SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY**

**A. Prior Art References (1) Through (6) Anticipate Independent Claims 11, 14, and 16 of the '824 Patent**

Requester has clearly shown that Prior Art References (1) through (6) disclose each and every element of independent claims 11, 14, and 16 of the '824 patent.

With respect to independent claim 11, Prior Art References (1) through (6) each disclose an outer tubular affixed to a tubular string, a first flapper valve, a second flapper valve, and an inner tubular initially mounted to extend through and hold both flapper valves open in a first position, and subsequently moveable to allow both flapper valves to close in a second position. With respect to independent claim 14, Prior Art References (1) through (6) each disclose an outer tubular having an open lower end, an inner tubular that is moveable between a first position and a second position, a plurality of flapper valves mounted between the inner tubular and the outer tubular, and a shear member that shears in response to a drop member landing in an inner tubular seat. With respect to independent claim 16, Prior Art References (1) through (6) each disclose an outer tubular affixed to a tubular string, an inner tubular moveable between a first position and a second position, and a plurality of one-way (flapper) valves that are held open by the inner tubular for two-way fluid flow in a first position, and a subsequently released to close for one-way fluid flow in a second position. Accordingly, Prior Art References (1) through (6) each anticipate independent claims 11, 14, and 16 of the '824 patent.

**B. Prior Art References (1) Through (6) Anticipate Dependent Claims 12, 13, 15, 17, and 18 of the '824 Patent**

Requester has also clearly shown that Prior Art References (1) through (6) disclose each and every element of dependent claims 12, 13, 15, 17, and 18 of the '824 patent.

With respect to dependent claims 12, 15, and 17, Prior Art References (1) through (6) each disclose an outer tubular rigidly secured to a tubular string, the outer tubular secured such that it remains fixed with respect to the tubular string. Further, Prior Art References (1) through (6) each disclose that the outer tubular is the outermost tubular along an axial length between the

lower end of the outer tubular and a plurality of flapper valves. With respect to dependent claims 13 and 18, Prior Art References (1) through (6) each disclose a shear element for securing an inner tubular in a first position. Further, Prior Art References (1) through (6) each disclose that the inner tubular is mounted for unrestricted movement away from a plurality of flapper valves after shearing of the shear member. Accordingly, Prior Art References (1) through (6) each anticipate dependent claims 12, 13, 15, 17 and 18 of the '824 patent.

**C. Prior Art References (7) Through (11) Raise Additional New Questions of Patentability**

Prior Art References (7) through (11), in view of the Prior Art References discussed above, render obvious claims 11 through 18 of the '824 patent. For example, with the exception of multiple flapper valves, Prior Art Reference (7) discloses each and every essential element of the apparatus claimed in the '824 patent. Further, Prior Art Reference (8) discloses a tool extremely similar to the apparatus claimed in the '824 patent, the only difference being that the operational sequence disclosed is essentially reversed from the operation of the apparatus of claims 11 through 18. Additionally, with the exception of an inner tubular member, Prior Art References (10) and (11) disclose each and every essential element of claims 11 through 18 of the '824 patent. Accordingly, Prior Art References (7) through (11), in view of the Prior Art References discussed above, render obvious claims 11 through 18 of the '824 patent.

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